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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

In re:

Clyde Leroy Ables

Rachel Serna Ables

Debtors,

) Case No.: 19-14783-B-13F

) CHAPTER 13

) DC NO. MHM-1

) CHAPTER 13 TRUSTEE'S OBJECTION
) TO CONFIRMATION OF CHAPTER 13
) PLAN

) DATE: January 23, 2020

) TIME: 9:30 AM

) PLACE: U.S. Courthouse

) Dept. B, Courtroom 13, 5th Floor

) 2500 Tulare Street

) Fresno, Ca 93721

) JUDGE: Hon. Rene Lastreto II

MICHAEL H. MEYER, Chapter 13 Trustee in the above referenced matter, objects to confirmation of the Chapter 13 Plan filed on November 15, 2019, on the following grounds:

I.

BASIS OF OBJECTION

The plan fails to provide for the value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is at least the amount that would be paid on such claim if the estate of the Debtor(s) was liquidated under a Chapter 7 of this title on such date. [11 U.S.C. §1325(a)(4)]

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1 Debtors propose a 0% plan, but have non-exempt assets totaling \$2,650.00. The Chapter 7
2 Trustee compensation would total \$662.50. Debtors would be required to pay \$1,987.50 in a Chapter 7
3 to unsecured creditors. Therefore, debtors have not demonstrated that they are paying through the plan
4 that which unsecured creditors would receive in the event of a Chapter 7.

5 **II.**

6 **POINTS AND AUTHORITIES**

7 11 U.S.C. §1322(a) provides that a plan shall provide for certain payments to creditors and for
8 payment of claims within specified classes. Pursuant to 11 U.S.C. §1325(a)(1) the Court shall confirm
9 a plan if the plan complies with the provisions of Chapter 13 and with other applicable provisions of
10 this title.

11 11 U.S.C. §1325(a) provides that the Court shall confirm a plan if certain criteria set forth in
12 §1325(a) is met.

13 The debtors carry the burden of proving, by a preponderance of the evidence that the plan
14 complies with the statutory requirements of confirmation. In re Arnold and Baker Farms, 177 B.R.648,
15 654 (9th Cir. BAP 1994), In re Warren, 89 B.R. 87, 93 (9th Cir. BAP 1988), In re Wolff, 22 B.R.510,
16 512 (9th Cir. 1982).

17 **WHEREFORE**, the Trustee requests that the Trustee's objection to confirmation of the plan
18 be sustained.

19 Dated: 1-3-20

Respectfully submitted,

20 /s/ Michael H. Meyer

21 Michael H. Meyer, Chapter 13 Trustee
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